

# EXHIBIT T

Declaration of Peter C. Salerno  
In Opposition to Plaintiffs' Motion to Compel  
Against Yassin Abdullah Kadi

03 MDL 1570

January 2018



Peter Salerno <peter.salerno.law@gmail.com>

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**RE: # of documents that are work product only**

1 message

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**Andrew J. Maloney** <AMaloney@kreindler.com>

Fri, Sep 29, 2017 at 10:27 AM

To: Peter Salerno <peter.salerno.law@gmail.com>

Cc: "Carter, Sean" <scarter1@cozen.com>, "Jerry S. Goldman" <jgoldman@andersonkill.com>, Jim Kreindler <JKreindler@kreindler.com>, zRobert Haefele <rhaefele@motleyrice.com>, zScott Tarbutton <starbutton@cozen.com>, Amy Rothstein <amyrothsteinlaw@gmail.com>, "Steven R. Pounian" <Spounian@kreindler.com>

Peter,

I think Scott Tarbutton has now provided an index for the final group of responsive documents produced by the PEC. I understand you may not have some of the earlier productions and we will work to remedy that.

We are not withholding any responsive documents and our production is complete. Of course we continue to collect new information as our investigation continues and if responsive, we will produce any new documents. But this is all we have for now.

With regard to the interrogatories you served, our position has not changed on that. We believe they are still premature and are contention interrogatories. Judge Netburn further seemed to be inclined to wait on those until after depositions had taken place, an approach that we believe Judge Maas had also endorsed. As you know, we will begin depositions in the Spring of 2018 and we will of course confer with you in this regard as it relates to Mr. Kadi and his related entities.

Nonetheless, if you wish to move to compel on the interrogatories on Oct. 13, we understand and confirm that this is separate from our obligation to move by that date and your consent that our motion, if any, would be due by Dec. 1, provided the Court approves of the extension. We will plan to meet and confer some more with you before Dec. 1, hopefully in early to mid November.

Regards,

Andrew Maloney

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**From:** Peter Salerno [mailto:peter.salerno.law@gmail.com]

**Sent:** Wednesday, September 20, 2017 5:40 PM

**To:** Andrew J. Maloney <AMaloney@kreindler.com>

**Cc:** Carter, Sean <scarter1@cozen.com>; Jerry S. Goldman <jgoldman@andersonkill.com>; Jim Kreindler <JKreindler@kreindler.com>; zRobert Haefele <rhaefele@motleyrice.com>; zScott

Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; Amy Rothstein <[amyrothsteinlaw@gmail.com](mailto:amyrothsteinlaw@gmail.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>

**Subject:** Re: # of documents that are work product only

Andrew:

We do not object to an extension of your time until December 1 to file a motion to compel against Mr. Kadi. We, however, would like to proceed with our motion to compel on October 13 if we have not resolved the open issues by then. We take you at your word that your document production is complete and that nothing responsive is being withheld other than on privilege grounds. If your document index is satisfactory, the only remaining issue will be our interrogatories. We explained our view on this topic in my email of September 11. Can you please give us your position? Thanks.

Peter

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On Wed, Sep 20, 2017 at 3:05 PM, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)> wrote:

Peter,

Thank you for the below. We are in the process of finishing the index for the recent production by the PEC identifying responsive documents and hope to have that to you today.

Given the number of documents you produced however, we still have lots of work to do to review the Kadi production regarding gaps and the privilege log. We recognize your representation that he claims to have nothing more that is responsive. Rather than file a motion before finishing this review, that will not be finished by the Oct 13 date the Court set for a response, we would prefer to finish a thorough review and confer with you on all issues by Nov.

I am also scheduled to be out of the country the first 11 days of Oct.

In this regard, would you consent to a Dec. 1 date for either side to file any motion with the Court concerning the productions by each side?

Regards,

Andrew

**From:** Peter Salerno [mailto:[peter.salerno.law@gmail.com](mailto:peter.salerno.law@gmail.com)]

**Sent:** Saturday, September 16, 2017 2:08 PM

**To:** Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>; Carter, Sean <[scarter1@cozen.com](mailto:scarter1@cozen.com)>; Jerry S. Goldman <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>; zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>

**Cc:** Amy Rothstein <[amyrothsteinlaw@gmail.com](mailto:amyrothsteinlaw@gmail.com)>

**Subject:** # of documents that are work product only

In my letter of September 6, 2017, at page 2, I erroneously stated that there are five documents in our final privilege log where the privilege type is work product only. The correct number is seven.

Peter

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